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SUBJECT: HIGH COURT OFFICIALLY DECLARES RAVALOMANANA VICTORY

REFTEL: ANTANANARIVO 1432 AND PREVIOUS

1. (U) As expected reftel, on December 23 the High Constitutional Court (HCC) declared Marc Ravalomanana the first round winner of the presidential election with 54.79 percent of the vote. In its decree the HCC also confirmed that in addition to Ravalomanana, Jean Lahiniriko (second place with 11.65 percent) and Roland Ratsiraka (third place with 10.14 percent) would be reimbursed their deposits for candidature (By law, candidates obtaining more than 10 percent are refunded). Lahiniriko and Ratsiraka, as well as fourth place Herizo Razafimahaleo, were notably absent from the ceremony; media reported Herizo sent a representative. Opposition candidates Manandafy Rakotonirina, Ny Hasina Andriamanjato, Pastor Jules Randrianjoary and Elia Ravelomanantsoa attended.

2. (U) In its 25 page proclamation, the HCC addressed numerous formal complaints made by or on behalf of several of the opposition candidates. In addition to detailed legal rulings on each complaint, the HCC stated in general that most requests had been determined to be "unfounded" upon investigation. A few complaints were also ruled to not have standing ("irrecevable") with the HCC.

3. (U) The HCC's report also included a final tabulation of electoral irregularities. The results from two polling stations, with a total of 261 votes, were discarded for incorrect vote tabulation and for the incompetence of the voting bureau president. Additionally, only partial results were registered from another 22 polling stations due to various deficiencies on election day. These polling stations had a total of 9,000 registered voters (of a national total of 7.3 million registered). The burning of ballot boxes and electoral lists at three polling stations in Tulear was the cause behind more than half of the 9,000 lost or compromised votes. The HCC also confirmed that results broken down by polling station were available to the public for candidates and observers to crosscheck with tallies from December 3.

4. (SBU) International observers, including the National Democratic Institute, commended the HCC for the timely and professional report of official results. Improved transparency at the 116 regional voting centers was also attributed to HCC pressure. Electoral disputes were handled adequately, though substantial confusion remains. In particular, campaign and electoral list complaints were not addressed by the HCC as these areas are the purview of the quasi-independent National Electoral Commission (CNE) and the Interior Ministry. In addition to the obvious result of lending more credibility to the election process, a truly independent future CNE would be expected to more effectively settle electoral disputes.

¶5. (SBU) COMMENT: The December 3 election and December 23 announcement date were masterfully timed at the nadir of Malagasy political interest during the holiday season. The opposition candidates' calls for public outcry are falling on deaf ears. Malagasy voters want stability above all else and at the moment they have it. A simple slogan is circulating Madagascar, "Aiza mamerim-bola," -- Where's my change? The connotation is that Ravalomanana's supporters "paid" by voting for him; soon they expect something in return.

¶6. (SBU) COMMENT CONTINUED: With 2.4 million votes for 54.79 percent of the total for Ravalomanana, it would take 180,000 votes to invalidate the President's absolute majority and first-round victory. This would be equal to more than a third of the total votes won by any of his challengers. Though imperfect, the election reflected the will of the Malagasy people. In the near term, a single ballot and a genuinely independent CNE must be instituted to bring the process up to international norms. In the longer term, civic education and political party development are needed to create conditions for a more sophisticated democracy that better serves the interests of Madagascar. END COMMENT.

McGee